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Attorney Docket No. 5621 P1  
Customer No. 49459

**FEB 20 2009**

**TO EXAMINER Rita J. Desai  
FAX. NO.: (571) 273-8300**

**CERTIFICATE OF FACSIMILE TRANSMISSION  
37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence of 28 pages is being transmitted by facsimile to the Patent & Trademark Office by the undersigned person on the date shown below.

D. Morris 2/20/2009

In the United States Patent and Trademark Office

Applicant:	John D.Morris et al.	)	Reply to Improper Request for
		)	Continued Examination (RCE)
		)	(Includes Declaration)
Serial No.:	10/658,648	)	Examiner: Rita J. Desai
		)	
Date Filed:	September 9, 2003	)	Art Unit: 1744

For: FLUORESCENT MONOMERS AND TAGGED TREATMENT POLYMERS  
CONTAINING SAME FOR USE IN INDUSTRIAL WATER SYSTEMS

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES:** If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of any fees associated with any extension of time for the statutory period for response and/or payment of issue fees), they may be paid out of our deposit account No. 14-0105. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition that is required to accompany the payment.

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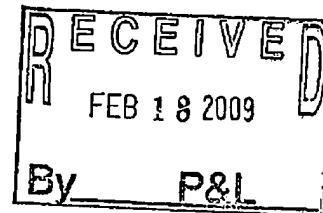
Paper No.

DUE: 3/6/09

Application No.:	10/658,648	Date Mailed:	02/12/2009
First Named Inventor:	Moiris, John, D.	Examiner:	DESAI, RITA J
Attorney Docket No.:	5621-P1	Art Unit:	1625
Confirmation No.:	3164	Filing Date:	09/09/2003

Please find attached an Office communication concerning this application or proceeding.

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FEB 18 2009  
Initial RTF  
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Commissioner for Patents

PTO-90c (Rev.08-06)

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FEB 20 2009

028/028

NOTICE OF IMPROPER REQUEST FOR  
CONTINUED EXAMINATION (RCE)Application No.  
10/658,648Applicant(s)  
MORRIS ET AL.Art Unit  
1600

Date Mailed:

The request for continued examination (RCE) under 37 CFR 1.114 filed on 02 February, 2009 is improper for reason(s) indicated below:

1.  Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2.  Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3.  Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4.  The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5.  The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6.  The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7.  The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

**A copy of this Notice MUST be returned with the reply.**

Direct any questions concerning this notice to

/HENRIETTA DENDY/, Technology Center 1600

Telephone Number: (571)272-0517

